IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2849 OF 2002.
IN
INCOME TAX APPEAL NO.837(L)OF 2002.

The Commissioner of Income-tax,
Mumbai City-25, Mumbai. ..Appellant.

V/s.

Shri Sudhir B. Sheth ... Respondent.

Shri Pankaj Kapoor i/b K.B. Rao for the applicant.

CORAM : V.C.DAGA AND J.P. DEVADHAR, JJ.

DATED : 29th August 2005.

P.C. :

. Learned Counsel appearing for the appellant seeks permission to withdraw this appeal. Letter dated 26.8.2005 in that behalf produced is taken on record and marked X for identification. Appeal is allowed to be withdrawn. The same is dismissed as withdrawn with no order as to costs. Needless to mention that the appellant shall be entitled to court fees as per Rules.

. In view of the withdrawal of the appeal, Notice of Motion does not survive.

(J.P. DEVADHAR,J.) **(V.C. DAGA,J.)**